

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 APR -3 AM 9:45

UNITED STATES OF AMERICA,

Plaintiff,

v.

Andres MONROY-Jimenez

Defendant.

'08 MJ 1020

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 1, 2008**, within the Southern District of California, defendant **Andres MONROY-Jimenez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Humberto Andres PEREZ-Gomez**, **Bartolome ZURITA-Cruz** and **Rutilo GOMEZ-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Claudia Rios, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 3rd day of April, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 1, 2008, at about 6:45 PM, **Andres MONROY-Jimenez (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a stolen 2001 Nissan Sentra. Upon being inspected before a United States Customs and Border Protection (CBP) Officer, Defendant presented as his own a form I-551 (Permanent Resident Card) bearing the photograph and name of Jose L. Samaniego. The CBP Officer re-entered the vehicle license plate number into the computer database system and retrieved derogatory information regarding the plate number and generated a referral for further examination. Defendant gave two negative customs declarations, stating he was not bringing anything from Mexico and that he intended to travel to San Diego, California. The CBP Officer closely examined the Permanent Resident Card Defendant presented as his own and noticed dissimilarities on appearances between the document and Defendant. The CBP Officer requested assistance and Anti-Terrorism and Contraband Enforcement Team (AT-CET) responded. Defendant was secured and escorted to secondary inspection. The vehicle was driven to vehicle secondary.

In secondary, four individuals were extracted from the trunk of the vehicle. Further investigation revealed the four individuals to be citizens of Mexico without entitlements to enter the United States. Three of the four individuals were retained as material witnesses and identified as **Humberto Andres PEREZ-Gomez (MW1)**, **Bartolome ZURITA-Cruz (MW2)** and **Rutilo GOMEZ-Garcia (MW3)**. The other alien not retain as material witness was processed administratively and returned to Mexico.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant suspected he could potentially be smuggling contraband but was not certain. Defendant admitted he personally arranged to drive the vehicle across the United States for a known smuggler, in exchange the smuggler would provide him with housing and employment in the United States. Defendant admitted the known smuggler agreed to pay him approximately \$300.00 USD monthly for his services.

On separate videotaped interviews, Material Witnesses declared they are citizens of Mexico without legal rights to enter the United States. Material Witnesses agreed to pay a fee ranging from \$2,000.00 and \$2,800.00 USD to be smuggled into the United States. Material Witnesses admitted they intended to enter, remain and seek employment in the United States.